

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

|                                |   |                          |
|--------------------------------|---|--------------------------|
| Ricky Dean Tate,               | ) | C.A. No. 9:09-839-TLW-BM |
|                                | ) |                          |
| Plaintiff,                     | ) |                          |
|                                | ) |                          |
| vs.                            | ) | ORDER                    |
|                                | ) |                          |
| Warden Michael McCall, et. al, | ) |                          |
|                                | ) |                          |
| Defendants.                    | ) |                          |
|                                | ) |                          |

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The Plaintiff brought this *pro se* civil action against the Defendants under 42 U.S.C. § 1983.

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed August 24, 2009, by United States Magistrate Judge Bristow Marchant, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Marchant recommends that this case be dismissed without prejudice pursuant to Rule 41(a)(2). The Plaintiff has not objected to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

In light of this standard, the Court has carefully reviewed the Report and has concluded that

the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 25), and this action is **DISMISSED**.

**IT IS SO ORDERED.**

S/ Terry L. Wooten  
**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

August 27, 2009  
Florence, South Carolina